Practice Standards

for

Voluntary Care Agreements

BRITISH COLUMBIA

Ministry of Children and Family Development

July 2001

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Introduction

This document sets out the Ministry's practice standards for Voluntary Care Agreements. It is intended primarily for the use of child protection and guardianship workers.

Under section 6 of the *Child, Family and Community Service Act*, a Voluntary Care Agreement (VCA) *may* be entered into with a child's parent in order to meet the day-to-day needs of a child in the director's care when the parent is temporarily unable to look after the child in the home.

Voluntary Care Agreements are intended to be used in temporary periods of family crisis and only where no less disruptive way of assisting the parent to care for the child at home is available or appropriate.

The purpose of a VCA includes the development and implementation of a plan of care that leads to the elimination or reduction of the crisis which led to the child coming into care. The overall goal is to return the child to the parent while ensuring the safety and well-being of the child. The plan of care linked to a VCA must address what services the family and child require to ensure the child's return, and identify any services required once the child is returned. These agreements are voluntary and require the consent of the parties involved.

What are practice standards?

Practice standards are statements that describe an expected level of performance. The practice standards in this document state what children, families, service providers and the public can expect of child welfare practice regarding voluntary care agreements in British Columbia.

Legislation and other practice standards that guide Voluntary Care Agreements

Voluntary Care Agreements are guided both by provisions of the *Child, Family and Community Service Act* and by the practice standards described below.

Legislation

Voluntary Care Agreements are to be administered so that the safety and well-being of children are paramount considerations. Agreements are guided by sections 2, 3, and 4 of the *Child, Family and Community Service Act* which provide guiding principles, service delivery principles, and factors to be considered in determining the best interests of a child. Specifically, agreements are to be guided by the following principles of the Act:

- children are entitled to be protected from abuse, neglect and harm or threat of harm
- a family is the preferred environment for the care and upbringing of children, and the responsibility for the protection of children rests primarily with the parents
- if, with available support services, a family can provide a safe and nurturing environment for a child, support services should be provided
- all decisions should respect the importance of continuity in the child's care
- the child's views should be taken into account when decisions relating to a child are made
- kinship ties and a child's attachment to the extended family should be preserved if possible
- the cultural identity of aboriginal children should be preserved

- decisions relating to children should be made and implemented in a timely manner
- families and children should be informed of the services available to them and encouraged to participate in decisions that affect them
- aboriginal people should be involved in the planning and delivery of services to aboriginal families and their children
- services should be planned and provided in ways that are sensitive to the needs and the cultural, racial and religious heritage of those receiving the services
- services should be integrated wherever possible and appropriate, with services provided by other ministries and community agencies
- the community should be involved, wherever possible and appropriate, in the planning and delivery of services, including preventative and support services to families and children
- decisions should take into consideration the quality of the relationship the child has with a parent or other person and the effect of maintaining that relationship

Practice Standards

In addition to the practice standards in this document, Voluntary Care Agreements are guided by the following practice standards:

Practice Standards for Guardianship

Practice Standards for Guardianship outlines policy and procedures that direct guardianship practice in British Columbia. Section 4 of *Practice Standards for Guardianship* provides a clear picture of what is expected of guardianship workers, as well as procedures regarding the implementation of a comprehensive plan of care. All agreements with a duration of 30 days or more must include a comprehensive plan of care.

Practice Standards for Child Protection

Commentary under Practice Standard for Child Protection #25 states that where a child has been found to need protection, a voluntary care agreement is not usually an adequate way to reduce the child's risk.

If the child's risk level changes, or the conditions of the agreement are not fully met, consultation with a supervisor is required regarding what action to take.

1. Deciding Whether to Use a Voluntary Care Agreement

The first consideration in deciding whether a VCA is an appropriate response to a temporary crisis is whether a less disruptive way of assisting the parent to look after the child is available. If no less disruptive alternative is available, then a VCA may be used if the criteria listed below are met.

Considering less disruptive alternatives

The responses available to support children and families form a continuum, from those that are least disruptive to the child to those that are most disruptive. On this continuum, Voluntary Care Agreements represent a more disruptive response. They may be used once less disruptive ways have been attempted (where they are available) or are not considered appropriate in the circumstances.

PRACTICE STANDARD 1

ALTERNATIVES TO A VOLUNTARY CARE AGREEMENT

Before entering into a VCA, all reasonable and available alternatives to having the child come into care must be explored with the parent and, where appropriate, the child, and then documented on file.

Before a child is brought into care under a VCA, give careful consideration to all other ministry and community/family resources and services available to meet the child's and family's needs. The continuum of alternatives available is shown in Appendix 1.

Criteria for using a VCA

A VCA is used for a temporary period when a family is in crisis, or, in some instances, when a child may need protection.

The following criteria must be met before a VCA may be entered into:

- The agreement is in the child's best interests.
- Less disruptive ways have been attempted (where they are available) or are not considered appropriate in the circumstances.
- The temporary circumstances of the family prevent the parent from caring for the child in the home.
- The parent enters into a Maintenance Agreement as required (refer to *Practice Standards for Maintenance Agreements*).
- A plan of care can be developed that realistically outlines the return of a child to her/his parent.
- The parent is able and willing to achieve the goals in the plan within the time periods specified under section 6(7) of the Act.
- The services offered to the family and the child under the agreement are likely to help maintain or restore a safe, stable family environment.
- The parent will maintain regular contact with the child and specifies how this will occur.
- The agreement meets the child's needs for continuity and permanence in family relationships.
- The parent consents to the disclosure of the information necessary to assess the family's circumstances including their ability to care for the child.
- The child's views have been taken into consideration.

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Note: VCAs are usually not to be used with youth who are 16 years of age or older unless the plan is to return the youth to the parent's care. In other circumstances, the youth is to be supported through other means, such as a youth agreement or other type of service (youth agreements will become available upon proclamation of the *CFCS Amendment Act, 1999*).

Additional criteria for situations where a child may need protection

A VCA may be used in limited circumstances where a child needs protection under section 13 of the Act.

Note that a VCA is usually not an adequate way to reduce the child's risk.

If a child needs protection, consider a VCA only where:

- A comprehensive risk assessment and risk reduction service plan indicate that such an agreement will ensure the child's safety and well-being.
- You, the parent and the child agree with the plan to protect the child.
- The services under the agreement are an adequate and available alternative to removal under section 30(1)(b) or continuing with child protection proceedings after removal.
- The parent agrees to the terms and conditions of the agreement including the offer of services to help the parent address the conditions that contributed to the child's need for protection.

2. Preparing for an agreement

See Appendix 3 for a checklist of the tasks involved in preparing for and entering into an agreement.

Linking the child's comprehensive plan of care to the VCA

A comprehensive plan of care is required for every child who comes into care for 30 days or more, in accordance with Practice Standard for Guardianship #21. The plan of care is a written document that details the services and interventions that will meet the needs of the child (see Practice Standards for Guardianship #20 and 21).

The child's plan of care that is to be linked to the VCA must be developed to address the identified issues that led to the child coming into care.

PRACTICE STANDARD 2

GOAL OF THE VOLUNTARY CARE AGREEMENT

A VCA must address how the reasons that led to a child's emergency care are to be eliminated or reduced before the child is returned home. These strategies and goals must be documented on the family service file and, in child protection cases, on the risk reduction service plan.

It is important that the following information be documented on file with the VCA:

- goals leading to the child's return home
- the services the family has agreed upon to achieve the established goals
- details of services and the out-of-home placement
- time frames

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It is important that the following information be documented on file with the VCA:

- goals leading to the child's return home
- the services the family has agreed upon to achieve the established goals
- details of services and the out-of-home placement
- time frames

- the responsibilities of the parents, the director and others, including the care providers and service providers, in achieving the goals under the plan
- the responsibilities of the child, where appropriate, under the plan
- details of arrangements for contact between parent and child
- confirmation that the parent will resume care of the child when the agreement ends

Time Limit for Developing the Plan of Care

Guardianship Practice Standard #21 requires that a comprehensive plan of care be developed within 30 days of a decision to bring a child into care. Whenever possible the plan of care should be developed before the VCA is signed.

Interim Plan of Care

If it is not possible to develop the plan of care prior to signing the VCA, an interim plan should be agreed to with the parent and, where appropriate, the child and a representative of the child's aboriginal community.

Involving the child

The degree of the child's involvement in developing the agreement will depend upon the child's capabilities. (See Practice Standard for Guardianship #5 for a description of the social worker's responsibilities for consulting with a child and actively seeking the child's views.)

You may not enter into a VCA with a parent if the child with capability refuses to consent to the agreement. In this case, and as appropriate, you may offer services to the family and youth, including:

- referral to community agencies and services, where available
- referral for a youth agreement

However, if a comprehensive risk assessment indicates that the child needs protection, you must develop a risk reduction service plan (see Practice Standard for Child Protection #23) which may include in-home protective services, a supervision order without removal, or removal.

Involving the parent

The role of the parent is to:

- explore all reasonable and available options within the family or family support system which would meet the child's needs without the child coming into care
- participate in services designed to prevent the need for an in-care placement
- make a commitment to a continuing guardianship role
- make a commitment to financially support the child as required
- participate in the development and implementation of the plan of care for the child
- maintain contact with the child as set out in the agreement

If a child is aboriginal

The VCA should respect the need to preserve the child's cultural identity (see Practice Standard for Child Protection #2). Advise the parent of services available through the aboriginal community and involve the aboriginal community in planning the agreement. (See Practice Standards for Guardianship #8 and 9 for a discussion of the role of the child's aboriginal community.)

If you don't have consent to aboriginal community involvement, consider the service delivery principles of the Act and determine whether an agreement can be made that is in the best interests of the child without involving the aboriginal community.

If the child resides on an Indian Reserve, or has access to off-reserve services from a First Nations child welfare agency, consider:

- the potential for other culturally appropriate services to be provided to the family by the band or First Nations organization
- if provided, the potential for those services to reduce the child's need for placement outside the child's home under a VCA

3. Entering into an agreement

With the parent and, where appropriate, the child, prepare the agreement, in accordance with the legislation and the regulations:

- Agree on the **initial term** of the VCA. This initial term must not exceed 3 months for children under 5 years of age, or 6 months for children 5 years and older. Entering into an initial agreement for the maximum period permitted is not necessarily in the child's best interest. Maximum periods should only be used where absolutely necessary. For renewals, see page 10.

  Where a child has been in care by agreement or as a result of protection proceedings within the previous 12 months, this time spent in care must be considered in calculating whether an agreement would exceed the maximum time periods under section 6(7).
- Agree on the transfer of guardianship authorities from the parent (e.g., consent to necessary health care).
- Review medical coverage with the parent.
- Review the terms of the agreement and any commitments made by you and by the parent. Agree on the number of days notice required if the parent wishes to terminate the agreement. (The parent must receive a minimum of 7 days notice if the agreement is being terminated.)
- Review the effect of the agreement with the child.
- Complete a maintenance agreement in all cases where required (refer to *Practice Standards for Maintenance Agreements*).
- Advise the parent that she or he will not receive the Federal Child Tax Benefit, nor the provincial Family Bonus benefits during the time the child is in care and advise the parent to contact Revenue Canada with any questions.

PRACTICE STANDARD 3

MAINTENANCE AGREEMENT REQUIREMENT

A Maintenance Agreement must be completed for every Voluntary Care Agreement where it is determined that the parent is required to contribute financially for the care of her/his child while in the Director's care.

Obtaining approval for a VCA

You will require the approval of your supervisor and the Placement Review Committee before signing a VCA.

PRACTICE STANDARD 4

ROLE OF SUPERVISORS

The supervisor must review and agree to the proposed VCA and Maintenance Agreement prior to presenting these agreements to a Placement Review Committee for approval.

PRACTICE STANDARD 5

APPROVAL BY THE PLACEMENT REVIEW COMMITTEE

A VCA must be approved by the Placement Review Committee before a child can be placed in a resource approved by the Director.

Where the Placement Review Committee does not include a manager, the agreement must be approved by a manager.

In emergency situations, an agreement for no more than 14 days may be made without the approval of the Placement Review Committee but subject to the approval of the appropriate supervisor.

An agreement made in an emergency situation must be reviewed by the Placement Review Committee before the end of the initial 14-day period if the agreement is to be extended.

The role of the Placement Review Committee

The Placement Review Committee assists social workers in structuring plans of care and placement requests and is responsible for ensuring regional placement resources are used effectively.

The Placement Review Committee:

- reviews and approves requests for Voluntary Care Agreements.
- reviews and approves requests for placement in contracted resources.
- reviews and approves plans for children and youth placed in contracted resources to determine need for continued placement.
- reviews and approves maintenance agreements that accompany Voluntary Care Agreements.
- documents and provides clear rationale for placement decisions.

Once the agreement is signed

Upon completion, give a copy of the VCA and the plan of care to:

- the parent
- the child 12 years of age or older, unless the information may cause harm to the child
- the care provider, with consent or on a "need to know" basis, without consent
- the aboriginal community if involved, and only with consent

If you don't have consent to aboriginal community involvement, consider the service delivery principles of the Act and determine whether an agreement can be made that is in the best interests of the child without involving the aboriginal community.

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- the child 12 years of age or older, unless the information may cause harm to the child
- the care provider, with consent or on a "need to know" basis, without consent
- the aboriginal community if involved, and only with consent

Consent means the consent of a parent of a child under 12 or the consent of both the parent and a child 12 years or older. If the child 12 or older does not have capacity, the parent may consent on behalf of the child. For this child, consent should be obtained before the agreement is signed.

Only the parent receives a copy of the completed Maintenance Agreement form.

Inform the child about her/his rights under section 70 of the Act.

The VCA and the Maintenance Agreements take effect the first day the child is in care and terminate on the day the child leaves care. The start and end dates of these two agreements must be identical.

4. Monitoring, Reviewing and Renewing a VCA

Keeping the parent informed and involved

PRACTICE STANDARD 6

MAINTAINING PARENTAL INVOLVEMENT

The parent must be kept involved in decisions affecting the child and informed in a timely manner about significant developments in the child's life.

Parents should be given every opportunity to be kept involved in and informed about significant decisions relating to the child. As appropriate, these may include:

- plan of care meetings (being informed about and participating in)
- changes in the child's out-of-home living arrangements
- necessary health care unless the child consents to health care under section 17 of the *Infants Act*
- significant events or accidents in the child's life
- accomplishments at school and in social and recreational activities
- any other items specified in the agreement

Reviewing and amending an agreement

A VCA may be reviewed at any time on the request of the child, the parent, the social worker, and, if involved, a representative of the child's aboriginal community. The agreement is reviewed with the parent and the child and amended or terminated when:

- the agreement is no longer in the best interests of the child
- the agreement no longer meets the child's needs
- there is non-compliance with the terms of the agreement
- there is a significant change in the child's circumstances, including changes in the child's out-of-home living arrangements
- a less disruptive way of assisting the parent to care for the child becomes available

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- a less disruptive way of assisting the parent to care for the child becomes available

Reviewing an agreement prior to expiration

At least two weeks prior to the expiration of an agreement, meet with the parent and child to:

- review the child and family's progress towards resolving the situation that led to the child coming into care
- consider whether a less disruptive way of assisting the parent to care for the child is now available and the agreement can be terminated
- decide whether to renew the agreement
- agree on the services required to assist in the child's transition to home, if the agreement is not renewed

Renewing an agreement

You may renew an agreement with the parent and the child. When considering renewal, keep in mind that:

- the criteria for a VCA must continue to be met
- renewals must be approved as specified in practice standards #4 and #5 in this document
- a voluntary agreement cannot be negotiated for longer than the periods specified under section 6(7) of the Act
- the maximum period allowed for agreements is not necessarily in the child's best interests. Agreements should not last longer than is absolutely necessary

5. Terminating an agreement

You may terminate an agreement by giving at least 7 days written notice to the parent, as set out in the agreement, when:

- the parent is not complying with the agreement or the plan of care
- the child refuses to reside in the placement or comply with the plan of care
- there is a change in the custodial parent as a result of a court order
- the circumstances that led to the child coming into care have been resolved
- the agreement is no longer in the child's best interest

The parent may terminate the agreement by notifying you verbally or in writing within the time frame specified in the agreement.

A VCA is automatically terminated whenever:

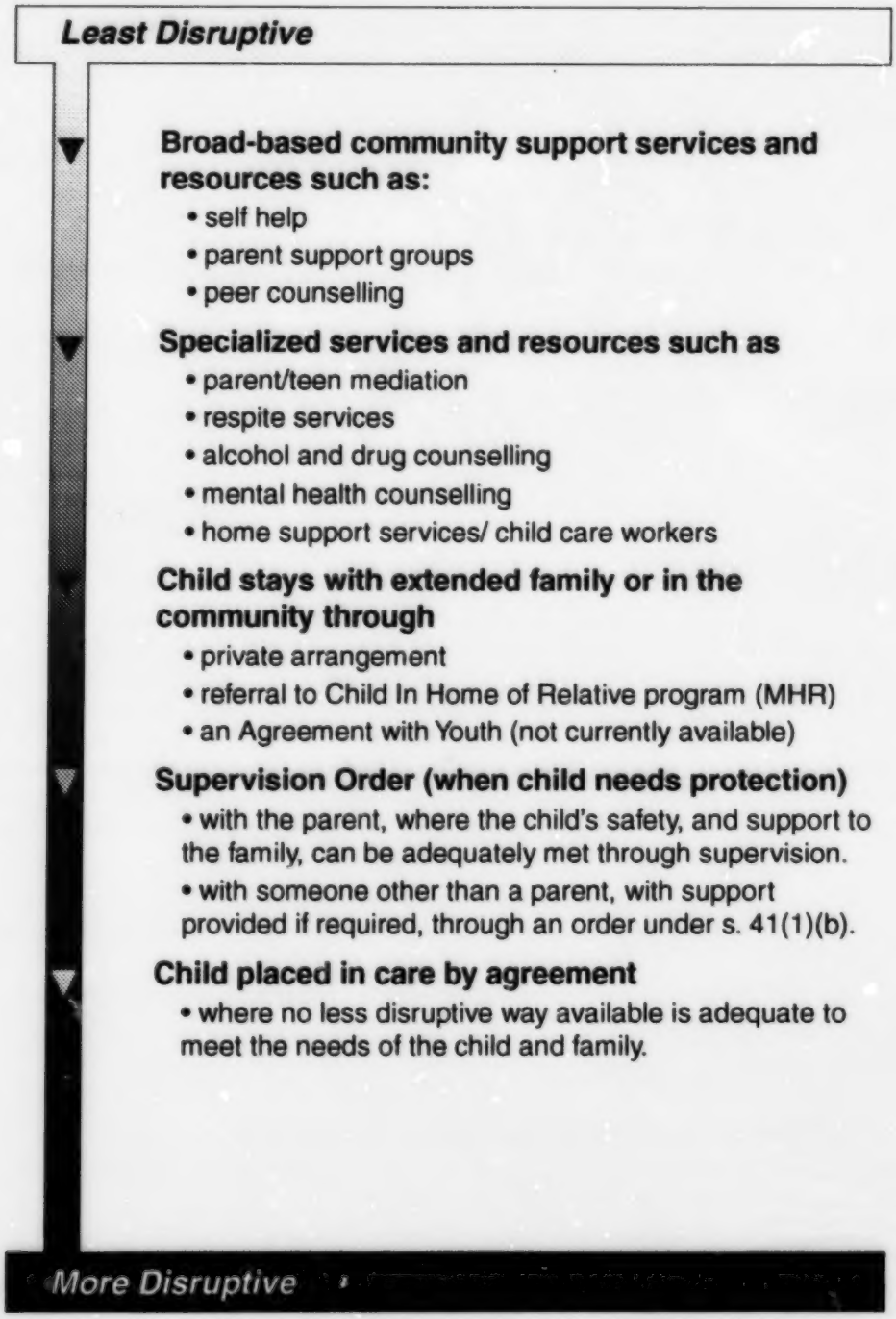
- the child is removed under section 30 of the Act or comes into care under section 29 of the *Family Relations Act;*
- the agreement expires (including a 30-day extension)
- the child reaches age 19
- the child dies
- the child marries

When to commence protection proceedings

Consult with your supervisor to determine whether to commence protection proceedings under Part 3 of the Act when:

- the agreement has been expired for 30 days and the parent is unwilling or unable to resume care of the child
- there is no plan to renew the agreement as the parent's whereabouts are unknown
- it is determined that the child needs protection and the agreement no longer protects the child
- the parent has no other suitable plan or out-of-home living arrangement for the child, and the maximum time periods specified in section 6(7) of the Act have already been reached.

Appendix 1: Continuum of responses available to assist children and families


Least Disruptive
Broad-based community support services and resources such as:
• self help
• parent support groups
• peer counselling
Specialized services and resources such as
• parent/teen mediation
• respite services
• alcohol and drug counselling
• mental health counselling
• home support services/ child care workers
Child stays with extended family or in the community through
• private arrangement
• referral to Child In Home of Relative program (MHR)
• an Agreement with Youth (not currently available)
Supervision Order (when child needs protection)
• with the parent, where the child's safety, and support to the family, can be adequately met through supervision.
• with someone other than a parent, with support provided if required, through an order under s. 41(1)(b).
Child placed in care by agreement
• where no less disruptive way available is adequate to meet the needs of the child and family.
More Disruptive

Appendix 2: Checklist for deciding whether to use a VCA

- ☐ No less disruptive way is available and appropriate to assist the parent to care for the child.
- ☐ The circumstances that prevent the parent from caring for the child in the home are temporary.
- ☐ The plan to have the child in care under a VCA is in the child's best interest.
- ☐ The parent agrees to enter into a maintenance agreement as required.
- ☐ A plan of care can be developed that realistically outlines the return of a child to her/his parent.
- ☐ The services offered to the family and the child under the agreement are likely to help maintain or restore a safe, stable family environment.
- ☐ The parent will maintain regular contact with the child during the child's absence from home.
- ☐ The parent consents to the disclosure of the information necessary to assess the family's circumstances including their ability to care for the child.
- ☐ The parent is committed to participate in services as part of the agreement, including maintaining contact with the child as specified in the agreement.
- ☐ A youth agreement has been considered (for youth aged 16-19) and determined not to be appropriate.

Additional criteria for situations where a child may need protection

Note that A VCA is usually not an adequate way to reduce a child's risk (see page 3).

- ☐ A comprehensive risk assessment and risk reduction service plan indicate that a VCA will ensure the child's safety and well-being.
- ☐ Access to the child by the parent or others will not put the child at risk or is adequately addressed.
- ☐ You have considered the child's views, and the child indicates that she or he feels safe in the presence of the parent.
- ☐ The services under the agreement are an adequate and available alternative to removing the child.
- ☐ The parent agrees to the terms and conditions of the agreement including the offer of services to help the parent address the conditions that contributed to the child's need for protection.

Appendix 3: Checklist for Preparing an Agreement

- ☐ Complete a Voluntary Care Agreement.
- ☐ Complete a Maintenance Agreement if the family's income qualifies.
- ☐ Complete a Consent to Disclosure of Information (Form C) if required.
- ☐ If the child is aboriginal, determine whether to involve the aboriginal community.
- ☐ Obtain the approval of your supervisor for the VCA and Maintenance Agreement.
- ☐ Obtain the approval of the Placement Review Committee for the VCA.
- ☐ Speak with or otherwise communicate with the child prior to entering into an agreement to obtain and consider the child's views and explain the effect of an agreement.
- ☐ Provide the child with a copy of the booklet *Know Your Rights: A guide for young people in care*..
- ☐ Provide and review with the parent the pamphlet *Maintenance Agreements: A Guide for Parents* and the Information Sheet on Voluntary Care Agreements or comparable information provided by First Nations child welfare agencies.
- ☐ Plan the agreement with the child and parent, including establishing goals and identifying means to achieve those goals.
- ☐ Confirm that the services offered in an agreement are available, including out-of-home placement.
- ☐ Advise the parent of the option to seek independent legal advice before signing an agreement.
- ☐ Confirm with the parent the number of days notice required if the parent wishes to terminate the agreement and the number of days notice of termination they can expect.
- ☐ Advise the parent that the parent is not eligible to receive the Federal Child Tax Benefit or the provincial Family Bonus benefits for the child from the first day of the month following the child coming into care, and that the federal government may require the parent to return any money received for these benefits after that date. Advise the parent to contact Revenue Canada with any questions.
- ☐ Sign the VCA and Maintenance Agreement and have the parent and the child, if appropriate, sign the agreement.
- ☐ Provide a copy of the agreement to the parent, the child and, with consent, the care provider.
- ☐ Within 30 days of the child's admission to care, develop the child's first comprehensive plan of care.
- ☐ Ensure the plan of care includes information on where the child will be placed.

Renewing an agreement

- ☐ Review the child's situation at least two weeks before the agreement expires.
- ☐ Review and update the child's plan of care (refer to Practice Standard for Guardianship # 22).
- ☐ Have the renewal approved, first by a supervisor and then by the Placement Review Committee.
- ☐ Sign a new Voluntary Care Agreement with the parent.
- ☐ Sign a new Maintenance Agreement (if required) with the parent.
- ☐ Forward the new VCA and Maintenance Agreement to Management Services Division.
- ☐ Complete the renewal at least two weeks before the existing agreement expires to ensure that the caregivers continue to receive payment and that the parents are correctly billed for maintenance.